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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,925	10/25/2003	Bilal S. Simab	0313-01	9064

23116 7590 06/25/2007  
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EXAMINER
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ALBERTALLI, BRIAN LOUIS

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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06/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/692,925

Applicant(s)

SIMAB, BILAL S.

Examiner

Brian L. Albertalli

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-16 are directed to "A foreign language dictionary". Claims 17-20 further define the "dictionary" as "a book", "an electronic dictionary", "a software dictionary", or an "online dictionary". However, a "dictionary" is not a statutory category of invention because a dictionary, whether printed as a book or in electronic form, is simply "a mere arrangement printed matter" (see MPEP 706.03(a)).

Furthermore, claims 1-16 and 18-20 fail the "descriptive material" test outlined in MPEP 2106.01. Whether the claimed dictionary is "functional descriptive material" or "non-functional descriptive material" need not be addressed, because the dictionary is claimed as "descriptive material" *per se* (i.e. "A foreign language dictionary") in claims 1-16. Further, with regard to claims 18-20, none of an "electronic dictionary", a "software dictionary" or an "online dictionary" is statutory because none of these are "computer readable media" which is structurally and functionally interrelated to the medium and permits the function of the descriptive material to be realized (e.g. a software dictionary is simply a collection of software, not a statutory computer readable medium).

Therefore, claims 1-20 are directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandlin (U.S. Patent 5,899,698), in view of Spain (U.S. Patent Application Publication 2003/0187681).

In regard to claim 1, Sandlin discloses a foreign language dictionary comprising:  
a plurality of entries each including a first language section and a second language section (see Figs. 2 and 4, a first language section on the left and a second language section on the right);

the first language section including:

a target word in the first language (see Fig. 2, "Apple");

the second language section including:

a translation of the target word in the second language (see Fig. 2, "Manzana").

Sandlin does not disclose the first language section includes a definition of the target word in the first language and the second language section includes a definition of the translation in the second language.

Spain discloses a foreign language dictionary comprising:

a definition of the target word in the first language (see Fig. 6, definition in English); and

a definition of the translation in the second language (see Fig. 6, definition in Chinese).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Sandlin to include a definition of the target word in the first language in the first section and a definition of the translation in the second language in the second section, because this would allow a user to determine the definition of the word in the language with which the user was most comfortable.

In regard to claims 18 and 19, Sandlin does not disclose the dictionary is an electronic dictionary or a software dictionary.

Spain discloses an electronic software dictionary (system data store, SDS, page 3, paragraph 34).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Sandlin to be a electronic dictionary or software dictionary, because this would allow the dictionary to be accessed by a computer and reduce size and storage requirements.

5. Claims 2, 3, 6, 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandlin, in view of Spain, and further in view of Batjuk (U.S. Patent 5,934,708).

In regard to claim 2, Sandlin and Spain, while disclosing a phonetic of the target word in the first language, do not disclose the phonetic of the target word in the first language is included in the second section.

Batjuk discloses a foreign language dictionary wherein a second language section includes a phonetic of the target word of the first language (See figure, the second language section on the right contains a phonetic 12 of the target of the first language word on the left 3).

It would have been obvious to one of ordinary skill in the art at the time of invention to further modify the combination of Sandlin and Spain to move the phonetic of the target word of the first language to the second language section, because providing a phonetic (transcription) in a second section is preferable for reducing the time necessary to memorize the pronunciation of a word, as taught by Batjuk (column 2, lines 30-36 and column 3, lines 35-38).

In regard to claim 3, Sandlin discloses the first language section further includes a usage of the target word in the first language (see Fig. 6, "Apples are red.").

In regard to claim 6, Sandlin discloses the second language section further includes a usage of the translation in the second language (see Fig. 6, "Manzana el roho").

In regard to claim 7, Sandlin discloses the language sections of each of the entries are disposed laterally with respect to each other (see Fig. 2, a first language section on the left and a second language section on the right).

In regard to claim 12, Sandlin and Spain do not disclose each of the entries includes a plurality of lateral lines.

Batjuk discloses each of the entries includes a plurality of lateral lines (Fig. 1, 14).

It would have been obvious to one of ordinary skill in the art at the time of invention to further modify the combination of Sandlin and Spain to include a plurality of lateral lines, because this would more clearly delineate the entries.

6. Claims 4, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandlin, in view of Spain, in further view of Batjuk and further in view of Mestre (U.S. Patent 6,999,915).

In regard to claim 4, Sandlin, Spain, and Batjuk do not disclose the second language section includes a phonetic of the translation.

Mestre discloses a foreign language dictionary wherein a second section (Fig. 1, 140A) includes a phonetic translation in the first language (the origin language, French, is shown at 110A, the word or phrase of 110A is translated into a destination language 120A in translation column 130A; and a phonetic in French of the word or phrase is given in column 140A, see column 6, lines 21-39).

It would have been obvious to one of ordinary skill in the art at the time of invention to further modify the combination of Sandlin, Spain, and Batjuk to include a phonetic translation of the target word in the first language, because providing multiple phonetic translations of a word allows sounds that cannot be transcribed in the second language to be displayed and a user can determine the proper pronunciation of a word in the second language, as taught by Mestre (column 1, lines 17-25 and lines 64-67).

In regard to claim 5, Sandlin discloses the second language section further includes an auxiliary phonetic of the translation (see Fig. 2, 28; Spanish phonetic of the Spanish word, column 2, lines 51-53).

In regard to claim 8, Sandlin, Spain, and Batjuk do not disclose each of the entries includes a longitudinal separator for dividing the language sections.

Mestre discloses a each of the entries includes a longitudinal separator for dividing the language sections (see detail of Fig. 2, line separating the left French side from the right English side).

It would have been obvious to one of ordinary skill in the art at the time of invention to further modify the combination of Sandlin, Spain, and Batjuk to include a longitudinal separator for dividing the language section, because this would more clearly delineate the two sections.



7. Claims 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandlin, in view of Spain, and further in view of Mestre.

Sandlin and Spain do not disclose the dictionary is a book or an online dictionary.

Mestre discloses a dictionary that is either a book or an online dictionary (translation book or connected to the Internet, column 5, lines 40-45).

It would have been obvious to one of ordinary skill in the art at the time of invention to further modify the combination of Sandlin and Spain to make the dictionary a book, because this would provide a convenient, portable, handheld form of the dictionary that does not require electricity. It would have been obvious to one of ordinary skill in the art at the time of invention to further modify the combination of Sandlin and Spain to be an online dictionary, because this would allow people to access the dictionary from anywhere in the world.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chang et al. (U.S. Patent 6,091,415) disclose a system for displaying bilingual information including phonetics, parts of speech, and definitions. Loebner (U.S. Patent 5,525,060) discloses a language learning aid which shows phonetics in two languages. Quiroz (U.S. Patent 6,736,641) discloses an alternate method for displaying foreign language dictionaries. Yamamoto (U.S. Patent 4,177,578) discloses an alternate method for displaying foreign language dictionaries.


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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L. Albertalli whose telephone number is (571) 272-7616. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BLA 6/20/07



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